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BOOK REVIEWS.

RAILROAD RATE REGULATION. BY JOSEPH HENRY BEALE, JR., AND
BRUCE WYMAN. Boston: William J. Nagel. 1906. pp. li, 1285.

No law treatise could have been more timely in its appearance than this one. The authors' preface is written only a few days after the passage of the so-called Hepburn Act, the most recent Federal Statute on the subject discussed; and the citation of cases seems to have been brought down almost to the moment of going to press. Many years of classroom work have peculiarly qualified the writers to speak with authority and conviction on their chosen subject, and while they confess to having written the book in a very few months, there is little in the substance or form of the text to betray them. In the matter of proof-reading, however, their publisher has been sadly remiss. Not only are there scores of annoying typographical errors, but occasionally citations seem to have gone completely astray. One can imagine the disappointment of a busy railroad attorney about to argue in support of his company's charter provisions as against a two cent fare bill, when he turns to section 1324 and finds only the first incomplete line of a promising footnote.

One other keen disappointment arises from the fact that outside of Book I of the volume, the distinguished authors have been so chary of expressing their own opinions. The practitioner reads the first two chapters with the keenest appreciation of the promise they hold out of a big, broad view of the subject. He wants the opinions of these two professors quite as much as he does those announced by the Interstate Commerce Commission, for example. Indeed, he may be excused if he manifests a preference for the thoughtful conclusions of these deliberate scholars of this complex subject, over some of the ill-considered decisions of the Commission subsequently overruled by the Federal Courts. There is a wealth of these latter cited in the footnotes, but a dearth of the former expressed in the text.

Except for the foregoing adverse criticisms the treatise may be unqualifiedly commended. The subject in itself is most interesting and one uppermost in everyone's mind at the present time. The authors have addressed themselves to their task with intelligent enthusiasm and have collected and arranged in logical sequence and readable form all the available decisions. They have quoted verbatim the language of courts and commissions upon every head and with the utmost completeness so that the book is invaluable as a collection of quotations from all the authorities. Take for example the chapter discussing the theories for estimating capital. Nothing could be more complete—but it may also be added—nothing could be more confusing and inconclusive. To one familiar with this branch of the law, the contradictory theories are perplexing enough. It seems as though they were left in an unnecessarily

nebulous state for the attorney who addresses himself to such litigation infrequently. One wishes that the authors had indicated in a concluding section the theory which bore the stamp of their approval, or had given a résumé of their own conclusions. It would help the novice.

The plan of the work is most comprehensive. The volume is divided into three Books, and an Appendix—the latter consisting in the main of the Rules of Practice and the Forms in use before the Interstate Commerce Commission.

Book I is made up of a most excellent and thoroughly readable historical discussion of the law of public callings in general, followed by a detailed consideration of the primary obligations and rights of carriers. This Book is written in the most pleasing English style of any volume which has come to the reviewer's table in many a day.

Book II concerns itself with the regulation of railroad rates in accordance with Common Law principles, treating the subject under the two general heads of Limitation of Charges, and Prevention of Discrimination. Upon the subject of charges the treatise is sure to be a most helpful source of information to both bench and bar. The rates are first considered as an entire schedule and the consideration is most thorough and illuminating. The complex subject of the reasonableness of a particular rate is treated in great detail, covering some two hundred pages. As a whole the result in the latter instance is rather indefinite, but this is due quite as much to the fact that the subject itself is not susceptible of definite statement in its present development, as to the fact that it is a sphere of legal endeavor far removed from the classroom, or the lawyer's study. Indeed it smacks considerably more of the counting-house than either. The literary quality of this Book is far inferior to that of Book I. As a matter of fact there is none. This book is made up of a succession of long quotations from decisions strung together by such phrases as:—"The problem was concisely stated by Judge Speer, who said, &c." "In reply to this position the Interstate Commerce Commission observed,"—and other slight variations of them employed until they become almost monotonous in their constant reiteration. These faults are to be expected in a book compiled as hastily as this one, and will doubtless disappear in a second edition. The meat is there and the book is bound to be of incalculable assistance to courts, commissions and lawyers in working out the law in this complex field.

Book III is made up of an examination of Legislation in regulation of railroad rates in England and by the Federal Congress and State Legislatures in this country.

Little but what is commendatory can be said of this most scholarly and painstaking work. What faults there are arise evidently from the haste of preparation; and an overworked bar would much prefer to have the book now with any of its slight imperfections than to await its later appearance without them.

OUTLINES OF CRIMINAL LAW. BY COURTNEY S. KENNY. Revised and Adapted for American Scholars by JAMES H. WEBB. New York: The Macmillan Company. London: Macmillan & Co., Ltd. 1907. pp. xxii, 404.